

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DANIELLE and JESSIE KAY; and JOHN and)
NANCY MORATIS,) Case No. 23-cv-2061
)
Plaintiffs,) Judge: William S. Stickman IV
)
v.)
WEST PENN MULTI-LIST, INC., et al.,)
)
Defendants.)

DEFENDANT FOUND IT PA LLC'S UNOPPOSED MOTION TO STAY LITIGATION

Defendant Found It PA, LLC brings this unopposed Motion to Stay Litigation, and in support thereof states as follows:

1. This case is one of many filed in district courts around the country in recent months challenging, on antitrust grounds, practices relating to real estate commissions paid by sellers of residential properties.
2. An Amended Class Action Complaint was filed in this matter on January 26, 2024 (ECF 30).
3. On March 13, 2024, shortly after Defendant Found It PA, LLC engaged counsel from Hinshaw & Culbertson LLP to represent it in this matter, Plaintiffs and Defendant Found It PA, LLC filed a Stipulation to Extend Time to Respond to the Amended Class Action Complaint to April 9, 2024.
4. On December 27, 2023, pursuant to 28 U.S.C. § 1407, plaintiffs in two actions pending before District Judge Stephen R. Bough in the U.S. District Court for the Western District of Missouri, filed a motion with the Judicial Panel on Multidistrict Litigation (“JPML”) to transfer and consolidate certain actions, including this action, that the movants allege assert similar claims

related to real estate commissions. *See in re Real Estate Commission Antitrust Litig.*, MDL No. 3100 (ECF No. 1 (the “MDL Motion”).

5. The JPML heard oral argument on the motion to transfer and consolidate certain actions on March 28, 2024, and took that motion under advisement.

6. Other district courts have issued stay orders in litigation asserting claims similar to those asserted here, on the basis that the JPML is considering transfer and consolidation of certain actions, including the United States District Court for the Eastern District of California, Sacramento Division, *see Willsim Latham, LLC v. MetroList Services, Inc.* et al., 24-cv-00244 (ECF 65) and the United States District Court for the Central District of California, *see Fierro v. National Association of Realtors, et al.*, 24-cv-00449 (ECF 123). In the *Fierro* case, District Judge Scarsi concluded that “the parties’ interests and the orderly cause of justice favor a stay” because “[t]he § 1407 motion may significantly impact these proceedings and require transfer of this case.” *Id.* The same rationale applies here.

7. In addition, a class action settlement was recently reached in *Burnett v. The National Association of Realtors*, pending in the United States District Court for the Western District of Missouri, 19-cv-00332, which settlement may, upon information and belief, pertain to certain defendants in this case.

8. Counsel for Defendant Found It PA, LLC have conferred with Plaintiffs’ counsel regarding this motion and the requested relief, and Plaintiffs’ counsel have indicated that Plaintiffs consent to this motion.

WHEREFORE, in an effort to conserve party and judicial resources, Defendant Found It PA, LLC requests that this Court enter an order staying this litigation, until such time as the JPML issues an order with respect to the pending motion to transfer and consolidate in MDL No. 3100.

Respectfully submitted,

HINSHAW & CULBERTSON LLP

/s/ Brian T. Maye

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Plaintiffs,)	Judge: William S. Stickman IV
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v.)	
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WEST PENN MULTI-LIST, INC., et al.,)	
)	
Defendants.)	

**PROPOSED ORDER GRANTING DEFENDANT FOUND IT PA LLC'S UNOPPOSED
MOTION TO STAY LITIGATION**

WHEREAS, Defendant Found It PA, LLC has brought an unopposed Motion to Stay Litigation, on the grounds that there is a § 1407 motion to transfer which includes this case pending before the Judicial Panel on Multidistrict Litigation (“JPML”), which motion was argued on March 28, 2024, and taken under advisement. In addition, a recent class action settlement agreement reached in *Burnett v. The National Association of Realtors*, pending in the United States District Court for the Western District of Missouri, 19-cv-00332, may pertain to certain defendants in this case.

THEREFORE, in an effort to conserve party and judicial resources while the JPML motion is pending, the Court orders as follows:

1. In the event the JPML issues an order that does not transfer this lawsuit, Found It PA, LLC shall have fourteen (14) days from the date of that Order to respond to the Amended Class Action Complaint.
2. In the event that the JPML enters an order transferring the case, Defendant Found It PA, LLC and Plaintiff shall inform this Court and follow the instructions of the transferee court.

IT IS SO ORDERED.

Date: _____

United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that on April 4, 2024, a copy of the foregoing **Defendant Found It PA LLC's Motion to Stay Litigation** was electronically filed and served via the U.S. District Court CM/ECF E-Filing System upon the following:

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